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GOTTLIEB RACKMAN & REISMAN PC			HU, KANG	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,260	DYER, PETER	
	Examiner Kang Hu	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 March 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 March 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: the last line of the claim “and for a selected letter to be retained the respective display zone” have grammatical errors.

Claim 17 is objected to because of the following informalities, “the display elements associated with a display area having a plurality of display zones the display zones being in one to one correspondence ...” have grammatical errors.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 7, 8, 11, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 5 and 11, it is not understood the claim limitations set forth in claim 5, where the “control is adapted to cause the display zones to be activated sequentially.” The claim is interpreted as the control causes the display zones to activate, but the claim does not state in what ways is it been activated sequentially. The previous claims which claim 5 depends on does not have such information as to the relative position of the display zones and how it is been activated

either. The limitation “cause the display zones to be activated sequentially” in claim 11 also fails to particularly point out and distinctly claim the subject matter for the same reason as claim 5.

Re claims 7, 8, 13 and 14 the limitation “each display zone is controlled by a separate first switch” in claim 7 is confusing as to the meaning of “first”, usually first is used as the ordinal number of one, in this case the applicant is stating multiple first switches controlling a plurality of display zones. The limitation “the other first switch” is indefinite as to which first switch, it also lacks antecedent basis for this limitation in the claim. Furthermore “each first switch” and “other first switch” in claim 8 causes the same confusion as claim 7, where first is not been used as the ordinal number of one. Each and every “first switch” or “first control” throughout the claims 13 and 14 are also rejected for the same reason.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by split-flap display (Wikipedia).

Re claim 1-9, the broadly claimed invention, a memory aid comprising a display having a plurality of display zones, each display zone adapted to provide a display independently of the other display zones, each display zone capable of sequentially displaying the letters of an

alphabet and a control adapted to cause the sequential display of the letters at each display zone can be interpreted as a split-flap display or sometimes simply a flap display seen in most airport or train stations (see attached split-flap display from answers.com). The split-flap display has a plurality of display zones, each of the display zone is adapted to provide a alphanumeric text, and possibly graphics independent of the other display zones. Each of these zones is capable of sequentially displaying the letters of an alphabet and there's a control adapted to cause the sequential display of the letters at each display zone. These devices are electronically operated device (claim 2). The control enables the display at each display zone to sequentially display the letters and to maintain the display of a selected letter (claim 3). The control includes an operator controlled first switch whereby the letter displayed can be changed sequentially (claim 4). The control is adapted to cause the display zones to be activated sequentially (claim 5). The split-flap display has multiple controls where it can control each and every single separate display zones separately is analogous to having the control means of an operator controlled second switch whereby the display zone to be controlled by the first switch can be selected by operation of the second switch (claim 6). The split-flap display can separately change each display zone is analogous to wherein each display zone is controlled by a separate first switch (claim 7). The split-flap display discloses "as most split-flap displays only rotate in one direction" and "many game shows of the 1970s used this type of display for the contestant podium scoreboards. These were called Solari boards. Usually, the flip was left-to-right on a vertical axis, although up/down on a horizontal axis was not completely unknown" teaches wherein each first switch comprises a pair of switches where each switch is able to activate the display zones to sequentially display the letters in opposite order to the other first switch (claim 8). The split-flap display controlled by

a program on a computer by an operator at a control center to change the arrival and departure status of trains and airplanes is analogous to the control comprises a computer program adapted to control a computer and/or processor to provide a display of the display zones and adapted to control the display at each display zone to cause the letters to be sequentially displayed at each display zone and for a selected letter to be retained the respective display zone (claim 9).

Re claims 10-14, the limitations of claims 10-14, the control enables an operator to operate a first control whereby the letter displayed can be changed sequentially (claim 10), the control is adapted to cause the display zones to be activated sequentially (claim 11), the control enables an operator to operate a second control whereby the display zone to be controlled by the first control can be selected by operation of the second control (claim 12), each display zone is controlled by a separate first control (claim 13) and each first control comprises a pair of controls where each control is able to activate the display zones to sequentially display the letters in opposite order to the other first switch (claim 14) have been discussed above as each of the split-flap display has a plurality of display zones, each of the display zone is adapted to provide a alphanumeric text, and possibly graphics independent of the other display zones. Each of these zones is capable of sequentially displaying the letters of an alphabet and there are controls adapted to cause the sequential display of the letters at each display zone. The flaps are able to move in different directions.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 16-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Li (US 6,358,059 B1).

Re claim 1, Li teaches of a tool comprising a display having a plurality of display zones, each display zone adapted to provide a display independently of the other display zones, each display zone capable of sequentially displaying the letters of an alphabet and a control adapted to cause the sequential display of the letters at each display zone (Figs 1-18, cols 1 and 2). Li further teaches the device is mechanically operated device (claim 16); comprising a set of display elements each having a display face, the display elements associated with a display area having a plurality of display zones the display zones being in one to one correspondence with the display faces, whereby each display element is independently movable relative to display zone to cause the display face of each display element to be moved past the display zone, each display zone bearing the letters of an alphabet and wherein each letter of a display face can be independently and selectively viewed at the display zone, the control comprising a portion of each display element which can be manually manipulated to cause the relative movement of the display elements (claim 17); each of the display elements comprises a disc (claim 18); the display faces comprise an axial face of the discs (claim 19); the display faces comprise the radial face of the discs (claim 20); the discs are concentrically supported (claim 21); the discs are of differing diameters and the display faces are defined by an annular zone around the outer perimeter of the disc (claim 22); the display zone overlies the rotation path of the display faces (claim 23); said discs are mounted in side by side relationship, the display faces are defined by an annular zone around the axial face of the respective disc and the display zone overlies the rotation path of the

display faces (claim 24); the display elements comprise elongate elements which are in side by side relationship, the display elements being slidable with respect to each other, with a display face comprising the adjacent portions of the display elements (claim 25) are shown in figs 1-18 of Li.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Split-flap display (wikipedia) in view of Parsadayan (US 6,317,489 B1).

Re claim 15, the split-flap display does not teach the computer program is incorporated into a telephone having a visual display such as a mobile phone and having a processor whereby the program can be activated and operated by manipulation of the keypad of the telephone.

Parsadayan discloses the entry phone apparatus comprising of a visual display having a processor whereby the program can be activated and operated by manipulation of the controls on the telephone (fig 2a, 11 and 12a; cols 3 and 4). It would be obvious at the time of the invention to modify the split-flap display to be incorporated into a telephone having a visual display such as a mobile phone and controlled and operated by manipulation of the keypad of the telephone to increase the speed in which the operator can manipulate the split-flap display.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A D'Agostino (US 3,200,517) teaches of a word-forming device composed of both wheels and strips of letters. Ito (US 4,259,801) teaches of a display device that can rotate a flap of a display unit in opposite directions in accordance with a predetermined program. Brazley (US 6,095,818) teaches of a wheel puzzle game book where the device having a number of rotating indicator wheels in alignment one with another, each of the indicator wheels including indicia thereon such as the letters of the alphabet. Furthermore, Solari Departure Board and digital flap display are also closely related to the applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
July 11, 2007



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